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December 15, 2005

Christian Samito, Esquire
Donovan Hatem, LLP
World Trade Center East
Two Seaport Lane
Boston, MA 02210

RE: Trans-Spec Truck Service, Inc. v. Caterpillar Inc.
United States District Court Civil Action No. 04-11836-RCL

Dear Mr. Samito:

I do not agree to withdraw the subpoenas to Messrs. Service and Ekchian. As indicated in my letter to Ms. Reimer, I am willing to discuss rescheduling one or both of those depositions for the first week in January if one or both of the witnesses is really unavailable during the last week in December. I am not willing to reschedule the depositions for dates you select based exclusively on your view of where Trans-Spec's tactical interests lie. Nor, in light of experience, am I willing to rely on representations you make. The witnesses are under subpoena and will remain so. If we agree on different dates, I will expect your office to accept service of amended subpoenas requiring their appearance on those dates.

Very truly yours,


John A. K. Gruert